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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,903

02/12/2007

Takaaki Oba

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78198

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11/26/2008

Studebaker & Brackett PC  
1890 Preston White Drive  
Suite 105  
Reston, VA 20191

EXAMINER

MAWARI, REDHWAN K

ART UNIT

PAPER NUMBER

3663

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,903	<b>Applicant(s)</b> OBA ET AL.	
	<b>Examiner</b> REDHWAN MAWARI	<b>Art Unit</b> 3663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/28/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, the term “steering operation speed detection means”, “steering actuator actuation speed detection means”.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-15 are rejected under the second paragraph of 35 U.S.C. 112. 35 U.S.C. § 112, ¶ 2 requires that claims “particularly point out and distinctly claim the subject matter which the applicant regards as his invention.” For means-plus-function elements, which are statutorily limited to the “corresponding structure, material, or acts described in the specification and equivalents thereof,” 35 U.S.C. § 112, ¶ 6, section 112, ¶ 2 requires that the specification must permit one of ordinary skill in the art to “know and understand what structure corresponds to the means limitation.” Biomedino, LLC v. Waters Techs. Corp., 490 F.3d 946, 949-50 (Fed. Cir. 2007) (internal citation omitted). **112(6) and 112(2) – Structural Requirement - Simply reciting** “steering operation speed detection means”, “steering actuator actuation speed detection means” **without providing some detail about the means to accomplish the function is not enough - Without any corresponding structure, one of skill simply cannot perceive the bounds of the invention.**

### ***Claim Rejections - 35 USC § 102***

Claims 1-15 are rejected under 35 U.S.C. 102 as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Toyota (JP 2004-175230).

Consider claim 1, Reference Toyota (JP 2004-175230) discloses a travel control apparatus for a wheel-driven vehicle, comprising: steering operation means for steering a steering wheel of the vehicle ([paragraph 0013]); steering angle detection means for

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detecting a steering angle of the steering wheel ([paragraph 0016]); a steering actuator which changes the steering angle of the steering wheel ([paragraph 0013]); steering control means for performing a control for actuating the steering actuator so that the steering angle of the steering wheel, which is detected by the steering angle detection means, becomes a target steering angle of the steering wheel which is set in response to an operation command outputted from the steering operation means [(paragraph 0021)], and traveling speed regulating means for regulating the traveling speed of the vehicle in accordance with an operational state of the steering operation means and an actuation state of the steering actuator ([paragraph 0023]).

Consider claim 2, Toyota (JP 2004-175230) discloses wherein the traveling speed regulating means compares the target steering angle of the steering wheel, which is set in accordance with an operational state of the steering operation means, with the detected steering angle of the steering wheel, which is detected by the steering angle detection means, and, when difference between the target steering angle and the detected steering angle is a predetermined value or higher, regulates the traveling speed of the vehicle to a predetermined speed or lower ([paragraph 0024]).

Consider claim 3, Toyota (JP 2004-175230) discloses wherein the traveling speed regulating means performs control for comparing the target steering angle of the steering wheel, which is set in accordance with an operational state of the steering operation means, with the detected steering angle of the steering wheel, which is detected by the steering angle detection means, and gradually reducing the traveling

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speed of the vehicle as the difference between the target steering angle and the detected steering angle increases ([paragraph 0025]).

Consider claim 4, Toyota (JP 2004-175230) discloses wherein the traveling speed regulating means sets a deceleration which increases as the difference increases, and performs a control for gradually reducing the traveling speed of the vehicle on the basis of the set deceleration ([paragraph 29 and 30]).

Consider claim 14, a steering mechanism having a pair of knuckle arms for swingably supporting the steering wheels around kingpin axes and a tie rod for connecting the pair of knuckle arms ([paragraph 0014]), wherein the steering actuator drives the steering mechanism to change the steering angles of the steering wheels ([paragraph 0014 and 0015]), the steering angle detection means is attached to one of the pair of right and left steering wheels ([paragraph 0016]), and the steering control means performs a control for actuating the steering actuator so that one of the steering angles of the pair of right and left steering wheels detected by the steering angle detection means becomes the target steering angle which is set in response to an operation command outputted from the steering operation means ([paragraph 0021]).

Consider claim 5-15, claims 5-15 are rejected as obviousness over the above rejections 1-4.

**Note:** The statements of intended use or field of use,[a]"adapted to" or "adapted for" clauses, b) "wherein" clauses, or c) "whereby"] clauses are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed

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structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2nd 1647

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. In re Danly, 120 USPQ 528, 531.

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/13/2008

/R. M./

Examiner, Art Unit 3663

/Tuan C To/  
for Mawari, Redhwan, Examiner of Art Unit 3663/3600